

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 981 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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STATE OF GUJARAT

Versus

RAMESHBHAI PUNABHAI

Appearance:

Mr.Bukhari, ADDL.PUBLIC PROSECUTOR for Petitioner
SERVED for Respondent No. 1

CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 08/10/97

ORAL JUDGEMENT

The accused-respondents were facing charge under Sec.325, 324, 323 and 504 read with Sec.114 of the Indian Penal Code originally. When plea was recorded in Criminal Case no.1319 of 1990 before the learned JMFC, First Class, Dehgam, they had chosen to contest the matter. Subsequently, they admitted the guilt and benefit of probation came to be granted.

2. Under Section 11(2) of the Probation of Offenders Act, the present appeal has been filed. Strictly, speaking, it should have gone before the learned Sessions Judge, who is empowered to hear the appeal.

3. However, without entering into the technicality when after considering the report of the Probation Officer and looking to the fact that accused nos.1,2 & 3 are of young age, and that by giving the accused a chance to reform better relationship between the parties will prevail, the learned Magistrate has exercised his

discretion. I do not see any reason to interfere with
the same. The appeal is dismissed .
